

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHARLES THOMAS, on behalf of himself
and all others similarly situated,

Plaintiff,

SUA SPONTE ORDER

-against-

CV 11-5844 (MKB)(ETB)

CONTINENTAL SERVICE GROUP, INC.,

Defendant.
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Upon further review of the papers filed in this action, the Court erred in the reconsideration Order dated March 12, 2013, wherein it stated that “[t]he plaintiff’s motion for sanctions contained in the motion dated January 4, 2013 remains unopposed.” Defendant did in fact oppose plaintiff’s second motion in a timely fashion. (See Docket Entry #17.)

This oversight, however, does not otherwise change the Court’s March 12, 2013 Order. While the defendant reports additional production of documents in response to the underlying December 7, 2012 Order,¹ defendant also acknowledges that it has still not fully complied with that Order. Thus, defendant remains responsible for compliance, as well as the per diem sanction and cost-shifting, as set forth in the Order of March 6, 2013.

Oral argument with respect to plaintiff’s March 29, 2013 motion for additional sanctions, based on continued non-compliance, will be held on April 9, 2013 at 3:00 p.m. in Courtroom 830, Alfonse M. D’Amato U.S. Courthouse, Central Islip, New York. All counsel are directed to appear.

¹ It was the original Order, dated December 7, 2012, on plaintiff’s motion to compel dated November 27, 2012, that was granted without any opposition.

SO ORDERED:

Dated: Central Islip, New York
April 3, 2013

/s/ E. Thomas Boyle
E. THOMAS BOYLE
United States Magistrate Judge